

IN THE SUPREME COURT OF FLORIDA

CASE NO.:SC16-1976

Lower Case Nos.:3D15-2303; 3D15-2271

LUIS TORRES JIMENEZ,

Petitioner,

vs.

STATE OF FLORIDA, ETC.,
ET.AL.,

Respondent.

MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE

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The Florida League of Cities, Inc. (the “League”), Village of Bal Harbor, City of Cocoa Beach, Town of Cutler Bay, City of Doral, Village of Key Biscayne, City of Miami Gardens, Village of Palm Springs, City of Sunrise, City of West Park, Town of Campbellton, City of Clermont, City of Coral Springs, Village of El Portal, City of Green Cove Springs, City of Hialeah Gardens, City of Holly Hill, Town of Juno Beach, City of Lauderdale Lakes, City of Miami Springs, City of Milton, North Bay Village, City of Oldsmar, City of Opa-locka, Town of Orange Park, City of Palatka, City of Palm Coast, City of Surfside, City of Sweetwater, City of Tamarac, City of West Miami, and City of Pembroke Pines (“Local Governments”), by and through their undersigned counsel and pursuant to Rule 9.370, Florida Rule of Appellate Procedure, respectfully move this Honorable Court for permission to appear as amicus curiae in support of the Respondent, City of Aventura.

1. The League is a voluntary organization whose membership consists of municipalities and other units of local government rendering municipal services in the State of Florida. Under its Charter, its purpose is to work for the general improvement of municipal government and its efficient administration, and to represent its members before various legislative, executive, and judicial branches of government on issues pertaining to their general and fiscal welfare.

2. This case arises out of a red-light camera traffic citation issued by the Respondent, City of Aventura, to the Petitioner, Luis Torres Jimenez. Petitioner moved to dismiss the citation arguing that Aventura exceeded its authority under the state law governing the use of red light cameras for enforcement of traffic laws -- the Wandall Traffic Safety Act. Petitioner argued that Aventura violated state law by outsourcing its enforcement operations to a private vendor, American Traffic Solutions, Inc. (“ATS”).

3. This case comes to this Court from certified questions of great importance concerning the lawfulness of Aventura’s red-light program under state law.

4. The Local Governments are all governmental entities that operate similar red-light camera programs to the one operated by Respondent, Aventura. The Local Governments contracted with the same private vendor, ATS. ATS provided the Local Governments and other governmental entities with intersectional safety cameras, vehicle sensors, and other equipment to capture video recordings and photographic images of motor vehicles involved in red-light violations.

5. The League believes that by virtue of its experience and broad membership, it has perspectives and information regarding the issues in this case which should serve as a useful supplement to the interests represented by the

parties and the Court in deciding this case. The Local Governments likewise can provide important perspective and information related to their operation of red-light programs under the Wandall Traffic Safety Act. Significantly, should Petitioner prevail, the Local Governments could possibly be forced to refund all monies they collected under the Wandall Traffic Safety Act.

6. The League and the Local Governments intend to show that the type of red-light camera program operated by Aventura and the Local Governments is in accordance with sound public policy because such programs have been expressly approved by the Florida legislature and because such red-light camera programs provide an effective and cost-efficient way of reducing red-light violations and improving traffic safety.

7. In accordance with Rule 9.370, the undersigned counsel has contacted counsel for Petitioner and Respondents, and is authorized to represent that no party has an objection to this request for leave by the League and the Local Governments to appear as *amicus curiae*.

WHEREFORE, the Florida League of Cities, Inc., Village of Bal Harbor, City of Cocoa Beach, Town of Cutler Bay, City of Doral, Village of Key Biscayne, City of Miami Gardens, Village of Palm Springs, City of Sunrise, City of West Park, Town of Campbellton, City of Clermont, City of Coral Springs, Village of El Portal, City of Green Cove Springs, City of Hialeah Gardens, City of Holly Hill, Town of Juno Beach, City of Lauderdale Lakes, City of Miami Springs, City of Milton, North Bay Village, City of Oldsmar, City of Opa-locka, Town of Orange

Park, City of Palatka, City of Palm Coast, City of Surfside, City of Sweetwater, City of Tamarac, City of West Miami, and City of Pembroke Pines, respectfully request that this Honorable Court enter an Order granting it standing as amicus curiae in this case and permitting the filing of a brief in support of the Respondent.

DATED this 17th day of July, 2017.

/s/E. Bruce Johnson

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion for leave to file an amicus curiae brief was served by **E-Portal** to all counsel listed below this 17th day of July, 2017.

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